



JC10 Rec'd PCT/P-10 14 NOV 2005 *PCT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

WORK OFFICE  
**10/540764**

Applicant	:	Carlo Tagariello, et al.
Title	:	A RETRACTOR FOR OPERATIONS ON THE ARTERIA HEMORROIDAILIS
Serial No.	:	10/540,764
Filing Date	:	June 24, 2005
Docket	:	38328
Customer No.	:	000116

LETTER

**Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated October 27, 2005 (copy enclosed), applicant encloses herewith the required Declaration and Power of Attorney. Our check in the amount of \$65.00 is enclosed to cover the late filing fee surcharge for the enclosed Declaration.

If any further fees are required by this communication which are not covered by an enclosed check, please charge any such fees to our Deposit Account No. 16-0820, Order No. 38328.

Respectfully submitted,

PEARNE & GORDON LLP

By John P. Murtaugh  
John P. Murtaugh, Reg. No. 34226

1801 East 9<sup>th</sup> Street, Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Date: 11-10-05

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

11/18/2005 GFREY1 00000081 10540764

01 FC:2617

65.00 OP

John P. Murtaugh

Name of Attorney for Applicant

Nov. 10, 2005 John Muntz

Date \_\_\_\_\_

Signature of Attorney

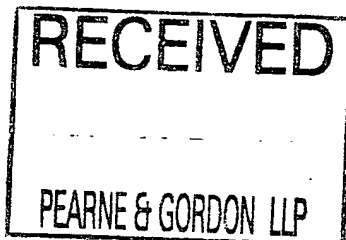


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

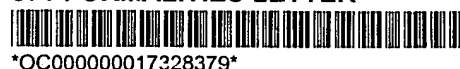
U.S. APPLICATION NUMBER NO. 10/540,764	FIRST NAMED APPLICANT Filippo Bastia	ATTY. DOCKET NO. 38328
---	---	---------------------------

116  
PEARNE & GORDON LLP  
1801 EAST 9TH STREET  
SUITE 1200  
CLEVELAND, OH 44114-3108



INTERNATIONAL APPLICATION NO. PCT/EP03/00543	
I.A. FILING DATE 01/21/2003	PRIORITY DATE

CONFIRMATION NO. 9211  
371 FORMALITIES LETTER



\*OC000000017328379\*

Date Mailed: 10/27/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/24/2005
- Copy of the International Search Report filed on 06/24/2005
- Copy of IPE Report filed on 06/24/2005
- Preliminary Amendments filed on 06/24/2005
- Information Disclosure Statements filed on 06/24/2005
- Small Entity Statement filed on 06/24/2005
- Request for Immediate Examination filed on 06/24/2005
- U.S. Basic National Fees filed on 06/24/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/540,764	PCT/EP03/00543	38328